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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000280

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DEPT FOR DRL, INL, EUR/SCE, AND EUR/SSA, NSC FOR BRAUN,
USUN FOR DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER

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TAGS: PGOV KJUS KCRM EAID KDEM UNMIK VI

SUBJECT: KOSOVO: SLOW GOING ON TRANSFER OF LAW ENFORCEMENT
RESPONSIBILITY

REF: A. 05 PRISTINA 1150

¶B. PRISTINA 64

¶C. STATE 42864

Classified By: COM PHILIP S. GOLDBERG FOR REASONS 1.4 (B) AND (D).

¶1. (C) SUMMARY: As evidenced by the fourth meeting of the stakeholders, UNMIK is in no hurry to transfer competency to the Kosovo government for law enforcement and the European Union is even less anxious to assume UNMIK's oversight role. Since the meeting, the PISG has named ministers of internal affairs and justice in the new government of Prime Minister Agim Ceku, but the EU is still asleep at the transfer switch, even as UNMIK prepares to depart. END SUMMARY.

¶2. (SBU) UNMIK held the fourth meeting of the Working Group on Future Arrangements for Rule of Law in Pristina on February 22. Members of a visiting EU fact-finding mission took part. UNMIK Department of Civil Administration head (and now acting PDSRSG) Nell Waring discussed UNMIK's recent signing of a Memorandum of Understanding with the OSCE on field presence pursuant to which UNMIK will withdraw technical staff from seven major municipalities and the OSCE will backfill the positions with generalists who will adopt monitoring roles in place of the more operational roles played by their UNMIK predecessors. Anil Vasisht, head of UNMIK's Municipal Coordination Support Unit, warned that under UNSCR 1244 the OSCE does not have a mandate to take an active role in the municipalities and that post-status, its role could be even more circumscribed.

UNMIK'S INTERIM REVIEW OF NEW MINISTRIES DELAYED

¶3. (SBU) UNMIK's Senior Advisor for Police and Justice Nick Booth said that the first interim review to determine if the new ministries of internal affairs and justice established by an UNMIK decree on December 20, 2005 are being set up properly will occur in April. He added that the permanent secretaries assigned to the new ministries brought over a

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limited number of staff, but that none has gotten onto the payroll without competition and proper vetting. A

representative from the visiting EU delegation said that the EU was sending two individuals with previous experience in Kosovo to monitor the early stages of formation of the ministries.

¶4. (SBU) Head of the COE office in Pristina, Zurab Katchkatchishvili, offered to arrange a study visit for representatives of new ministries to see how the COE works. He argued that COE standards on prisons and police should guide any transfer of oversight responsibility from UNMIK to the EU.

UNMIK SPELLS OUT WHAT EU NEEDS TO DO ON POLICE

¶5. (SBU) Don Evans, the head of UNMIK's Transitional Monitoring Unit, reported that there are 500 international police officers in the monitoring unit that assesses the activities, actions and behavior of the KPS and its officers throughout Kosovo. Evans suggested that prior to the transfer of policing to the new Ministry of Internal Affairs the number of monitors should be increased to 830 and that EU standards for policing should already be in place at the time of the transfer. Steve Bennett, the AmCit head of the OSCE-run Kosovo Police Service School, noted that although 200 Kosovars on staff there have been transferred to the Kosovo Consolidated Budget (KCB), the Ministry of Public Services has informed the school that since it is not yet a part of a ministry, these transferred staff cannot be paid out of the KCB.

¶6. (SBU) Deputy Police Commissioner Hutchings said that there are 5,000 Kosovo Police Service (KPS) officers in the field and four special protection units (SPU), although he noted that the Pakistani SPU team will depart in May. Hutchings

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suggested that the EU will have to provide its own SPU capacity or an EU police rapid response unit. Rapid response units from the KPS have been used for crowd control for the past six months, but SPU elements are still responsible for prisoner escorts, a capability the KPS is not yet politically ready for, according to Hutchings. He also wondered if the EU would be able to take over this function by the projected January 2007 transfer of responsibility for the police from UNMIK to the EU. Special Weapons and Tactics (SWAT) duties currently handled by Team 6 internationals will eventually be transferred to a KPS SWAT team which will begin training soon but lacks necessary equipment. Hutchings noted that there is a large number of minorities in the current class at the KPS school in Vustrii, and that the KPS has sent 14 minority policemen back to their home villages. The officers work as safety officers in village police substations, most of which lack a constant supply of electricity.

UNMIK DOJ WILL INVIGORATE TRANSITION OF JUSTICE SECTOR

¶7. (SBU) The new director of UNMIK's Department of Justice, Al Moskowitz, noted that UNMIK has not yet transferred its criminal division (including oversight of prosecutors and judges) to the PISG. He admitted UNMIK DOJ has not energetically engaged with the Kosovo government on this issue in the past. A representative from the visiting EU delegation shared Moskowitz' assessment that progress on the transfer of competencies relating to criminal justice and the courts to the PISG has been slow and suggested that it needs to speed up. The EU representative added that although UNMIK is pulling back its field staff, the OSCE already has a mandate to monitor the justice system in Kosovo in terms of its compliance with domestic law and international human rights standards and to recommend sustainable solutions to ensure that these standards are met.

¶8. (SBU) Edward Tawil from UNMIK's Office of the Deputy SRSG for Police and Justice said that UNMIK needs to open more

court liaison offices and to hold special court open-house days in certain minority enclaves. He urged the EU delegation to be mindful of the high level of intolerance and discrimination against non-Albanian minorities in general, and against ethnic Serbs in particular.

BORDER CONTROL AND CUSTOMS PREPARE TO TRANSITION

¶9. (SBU) Several UNMIK representatives noted that transitioning of border control lags behind other law enforcement competencies because under UNSCR 1244 UNMIK cannot give it to the Kosovo government prior to the completion of status talks. Border and Boundary Police head Aleksandr Yeliseyev said that pre-transition planning is currently underway. He estimates that based on a German standard of 1.5 officers per kilometer, Kosovo will need 1,700 border police officers. He added that this year the number of officers in the field will reach 1,400. Work continues on a mounted patrol for the border with Macedonia currently patrolled by KFOR. Another representative from the border police lamented a lack of a legal basis or visa regime for denying entrance to Kosovo in addition to existing manpower and equipment shortages. Deputy Commissioner for Police Operations Hutchings stated that Kosovo is becoming a safe-haven for criminals, especially from Serbia and Montenegro. He also noted that PISCES system donated by the USG does not give enough information on the passport-holder and is not being used by EU-member countries.

¶10. (C) Like border control, customs operations continues to be a competency reserved to UNMIK. Customs receipts make up 75 percent of the Kosovo Consolidated Budget (KCB); in turn the customs service's 574 officers are paid out of the KCB. Customs chief Paul Acda complained of political interference in VAT collection at point of sale, singling out officials from the government's senior coalition partner, the Democratic League of Kosovo. He said that unlike the norm in

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Europe where point-of-sale VAT should be two to three times greater than what is collected in customs at the border, in 2005 Kosovo customs collected 196 million euro while only 30 million euro in VAT was collected at points of sale. Acda also pointed out that Kosovo has become a transshipment point for branded IPR-violating clothing from China which arrives at Pristina's airport on a monthly flight via Kazakhstan. Of the 6,500 tons of clothing delivered every month, Acda believes 2,500 are sold locally and the rest transshipped onward to points in Europe. When questioned by the EU delegation on the customs services' capacity to investigate smuggling, Acda responded that although customs has 26 German-trained investigators, there are few prosecutions since few local prosecutors understand the complexity of customs violations.

¶11. (C) At the February 24 QUINT justice sector meeting in Rome, UNMIK expressed a strong interest in the rapid transition of justice and police to the PISG. While UNMIK clearly wishes to get out, the Europeans (particularly Italy and France) emphasized in Rome they would push for heavy EU involvement in justice and police, believing that leaving control over these institutions to the Kosovars would result in increased organized crime which would adversely affect Europe. For all their talk at the Rome meeting, the Europeans have yet to take action on the ground in Kosovo (other than sending in two advisors to the new fledgling ministries of internal affairs and justice) to define their post-UNMIK role in these sectors. END COMMENT.

¶12. (U) This cable is cleared in its entirety for release to UN Special Envoy Ahtisaari.

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